

**BOROUGH OF WATCHUNG**  
**MAYOR AND COUNCIL**  
**MINUTES**  
**May 3, 2018**  
**7:30 P.M.**

**OPENING STATEMENT:** Mayor Stephen K. Pote called the meeting to order at 7:31 PM and made the following statement: Under the provisions of N.J.S.A.10:4-6 et seq., notice of the time and place of this meeting was given by way of annual notice to the Courier News, Echoes Sentinel, and Star Ledger, and posted at Borough Hall.

**SALUTE TO THE FLAG and MOMENT OF SILENCE FOR OUR SERVICE MEN AND WOMEN, SERVING HOME AND ABROAD.**

**ROLL CALL**

Gibbs [ P ] Black [ P ] Nehls [ P ] Mobus [ P ] Sopko [ P ] Alberto [ P ]

Also present were Administrator Tom Atkins, Attorney Albert Cruz, CFO Bill Hance, Clerk Michelle DeRocco, and Deputy Clerk MaryAnn Hance.

There were 56 members of the public present.

**SPECIAL PRESENTATION:** Affordable Housing Plan

Mayor Pote said the focus this evening will be in regards to the affordable housing issue that all municipalities have been responding to for decades. The Mayor and Council hope to share with residents where the Borough is as relates to affordable housing and the prospective next steps.

Mayor Pote said Mr. Cruz, our Borough Attorney, will be setting a foundation for tonight's discussion and will give a brief history of the Legislative and judicial process on affordable housing and where the Borough is today in the current litigation process. Mayor Pote said secondly, Borough Planners, Marcia Shiffman and Mark Healey will be presenting information on the Borough's obligations over the past decades and the obligation as relates to affordable housing going forward; and finally, BNE, a real estate and property maintenance company will present a conceptual plan they have developed. Mayor Pote then said once BNE has completed their presentation the Council may ask any questions they have and then the discussion will be opened to the public for questions or comments.

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Mr. Cruz then presented the following background information:

*The New Jersey Supreme Court has held that municipalities may not, as a matter of constitutional obligation, engage in exclusionary zoning, which is zoning to exclude certain types of land uses from a municipality. In other words, municipal zoning laws must provide for a mix of residential housing uses. That constitutional obligation is known as the Mt. Laurel doctrine and has been in effect since 1975. During the forty-three (43) years that have passed since the original Mt. Laurel decision, the doctrine has been expanded to include a requirement that municipalities must provide a realistic development potential for affordable housing through zoning for multiple land uses and not solely single family homes.*

*In response to the Mt. Laurel decisions, in 1985, the New Jersey Legislature adopted and the Governor signed into law the Fair Housing Act.*

*The purpose of the Fair Housing Act was to remove litigation regarding the planning for affordable housing from the judiciary and place that process into an administrative agency, known as the Council on Affordable Housing or COAH.*

*Part of COAH's function was to adopt regulations municipalities could follow to plan for realistic development potential for affordable housing. COAH succeeded in adopting two (2) rounds of regulations, the last expiring in 1999.*

*Since 1999 until now, COAH failed to adopt legally valid third round regulations to administer affordable housing.*

*In 2015, the New Jersey Supreme Court concluded that COAH was after sixteen (16) years dysfunctional and transferred the administration of affordable housing back to the judiciary.*

*So, since 2015, many municipalities, including Watchung, have been engaged in litigation to address how each municipality will provide zoning alternatives for affordable housing.*

*Because this matter involves litigation with adverse parties, many of the Watchung Council discussions have occurred in Council Executive Session and in conferences with the Superior Court Judge and Special Court Master. Additionally, the Watchung Affordable Housing Subcommittee has been consulted.*

*Because the New Jersey Supreme Court in 2015 granted an affordable housing advocate standing in these cases, the Fair Share Housing Center has also been a part of the discussions.*

*Tonight, the Watchung Planners Marcia Shiffman and Mark Healey will present the Borough's affordable housing plan as developed in conjunction with the Fair Share Housing Center under the supervision of the Superior Court.*

*The Watchung Planners will describe Watchung's fair share affordable housing obligations, as adjusted downward, the components of the affordable housing plan, and the steps to proceed forward.*

*A contract purchaser of land on Bonnie Burn Road which has the legal, technical and financial capacity to construct multi-family housing, which is one (1) component of Watchung's Plan, will also present a Concept Plan for this property and a proposed Payment in Lieu of Taxes Program.*

*Tonight, the Watchung Council will not take any action and listen to the presentations, and public comment.*

*On May 17, 2018, two (2) weeks from tonight, a similar presentation will be made, along with public comment, and the Council will consider whether to proceed with the proposed plan and settle the pending litigation.*

*If the Watchung Council decides to proceed forward on May 17, 2018, a process will follow where:*

- 1. The settlement is reviewed by the Superior Court in a hearing known as a Fairness Hearing. This hearing will be on public notice, open to the public and the public allowed to comment.*
- 2. The Planning Board will consider whether the Bonnie Burn Road property is an area-in-need of redevelopment.*
- 3. If the property is deemed as an area-in-need of redevelopment, then a Redevelopment Plan or zoning ordinance will be prepared.*
- 4. Both of the prior steps will require public hearings before the Planning Board.*
- 5. If the area-in-need of redevelopment is found and Redevelopment Plan is completed, then a Redevelopment Agreement, Financial or PILOT Agreement, and an Ordinance adopting the PILOT Program will be considered by the Watchung Council, with many of these actions requiring public hearings and participation.*
- 6. If all of the above occurs, the Bonnie Burn Road developer will still require Planning Board approval for the development of the property in the same form as any other development.*

*With this background, I ask that the Watchung Planners, Ms. Shiffman and Mr. Healey make their presentation.*

*Then, I will ask the developer to make their presentation, followed by public comment.*

Borough Planner – Marcia Shiffman presented an explanation of the four elements of the Fair Share Housing, present need, prior obligation (1997-1999), 3<sup>rd</sup> round (1999-2025, and unmet need and the number of affordable housing units the Borough is obligated to meet from all rounds. She said the Borough's Housing Element and Fair Share Plan, Ordinances and Redevelopment Plan for the proposed BNE development will require review and approval by the Borough Council, Planning Board and Superior Court. Ms. Shiffman said the Borough has a set aside Ordinance which would require any project with 5 or more units at a density above 6 units per acre to set aside an affordable unit.

BNE – David Pantirer said this is a family owned business which was started by his grandfather, and he then provided a brief history and background of his family and the company.

Katharine Coffey, attorney from Day Pitney then presented general concept plans. This would all be contingent on the Mayor and Council, Planning Board, County Planning Board and approval of all permits.

Council President Gibbs asked how the company verifies the number of occupants in a particular unit and Mr. Pantirer said the Management Company handles this and they are on site 24/7. Councilwoman Alberto asked if the units are built as they are rented or all at the same time. Mr. Pantirer explained the project is done in phases and the site work is done at the same time.

Mr. Cruz explained this is a constitutional obligation and the Borough cannot avoid this. He also said if this plan is adopted it would then go to the court for approval at which time the Borough would be protected from Builders Remedy lawsuits until July 1, 2025.

With no further questions from the Council Mayor Pote opened the discussion to the public reminding everyone of the three-minute rule.

Bill Butler, Attorney for the Weldon Properties, questioned the number of 1, 2, and 3 bedroom units. Ms. Coffey said there are ten 3 bedroom units and 220 units are one and two bedrooms but the mix has not been determined yet. Mr. Butler also questioned the sanitary sewers and Ms. Coffey said this would have to be approved through the NJDEP and there is no commitment yet.

Doris Fine, Johnston Drive, asked if BNE has been to the site in question and Ms. Coffey said they had been. Ms. Fine said this is not a solution and it does not protect her section of the Borough.

Tom Franklin, Wildwood Terrace, said the reality if you litigate is that you usually lose. Mr. Franklin also questioned the outcome regarding the East Drive property. Mr. Cruz explained the builder wanted a PILOT with the Borough deeding the property to them and not enough taxes to the Borough.

Margaret Ellis, Valley Road, asked for an explanation on the low and moderate-income units. Mr. Cruz explained there are two components, 184 Market Rate Units and 46 affordable units. The market rate units subsidize the affordable units. This is an inclusionary development.

Victor Garber, Scott Drive, asked about the tax consequences. Mr. Cruz said there is no assessment yet. This concept is PILOT based on income development generator, a percentage of the gross revenue would be paid to the Borough. Mr. Cruz said the Borough, schools and open space would be kept “whole” but the County would only receive 5%.

Bruce Ruck, Lakeview Avenue, had concerns about the number of children in the development and the impact on the schools. He asked if any of this could be age restricted, group homes, or vet homes. He also said the Borough should be sitting down with other towns to discuss this. Council President Gibbs explained the Borough has the maximum number for each of the categories Mr. Ruck commented that each town has their own number from the courts and cannot be combined with any other town to meet those requirements.

Ben Toscano, Bonnie Burn Road, said Bonnie Burn Road is a very dangerous road and possibly a light should be considered for the entrance to this site and have two lanes going up and two lanes coming down this road. Since we don’t know the number of residents for these units the Borough may need additional police and firemen. He said the impact of traffic, use, of water and sewer and other utilities must be studied.

Marianne Candiloros, Nottingham Drive, asked for clarification on the PILOT program if taxes are not being paid. She said she keeps hearing that the schools and Borough would still be made whole but she does not understand how this would happen. Mr. Cruz explained that the income is from gross revenues generated by both market and affordable units. There are a higher number of market units in this program therefore the fixed percentage will be higher. Ms. Candiloros also said with all the additional traffic, the infrastructure will be maxed out and where would the funding come from to fix this.

Christine Ead, Washington Drive, asked what the potential to possibly phase some of this project so the infrastructure could be built as the units are being built.

Mr. Cruz said this plan is a phase plan and not everything is going to happen at the same time. He explained the Borough has some things on the horizon including Watchung Associates (O’Connor property) which has already been approved since the mid-nineties but they had to reapply for and get variances re-

instated. There will be 25 units there with 4 of these being affordable and this is considered one phase, and this would be another phase. Other things discussed were the overlay zones which may or may not happen over time and unless something would happen to have this available it would just sit there.

Wendy Robinson, Hill Hollow Road, said it does not sound like the Borough has many alternatives. Mayor Pote agreed that the Borough does not have a lot of options. Ms. Robinson then asked what will happen after the June 30<sup>th</sup> deadline. Mr. Cruz explained the Borough can ask for an extension of the temporary immunity but the Judge would look to see if the Borough has a viable plan. He also said Judge Miller has called him and asked what the Borough has done to date.

Wade Homer, Sherwood Drive, asked what the difference was between the market and affordable units. Ms. Coffey said there is no difference and all residents have the same rights and use of all amenities. The affordable units can be in any of the buildings – not all in the same unit. Mr. Homer also said he had concerns with the sewerage, road construction and any other improvements necessary since most would be County on Bonnie Burn Road. Ms. Coffey said all must go to the local Planning Board and the County Planning Board and both can require offsite improvements and the cost for these is the responsibility of the applicant (BNE).

Councilman Black said this is a Union County Road and there should also be discussions with the Green Brook Flood Control Commission.

With no other questions the Mayor thanked everyone and said there will be further discussion at the next Council meeting on May 17<sup>th</sup> at 7:30 PM.

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## **REPORT OF STANDING COMMITTEES:**

1. Administration & Finance – Councilman Mobus had no report and said there is a meeting scheduled for May 14<sup>th</sup>.
2. Police – Council President Gibbs had no report.
3. Public Works / Buildings and Grounds – Councilman Nehls had no report.
4. Public Affairs:

Open Space – Councilwoman Alberto reported the Committee met on April 30<sup>th</sup> and she thanked them for volunteering. She said the Committee discussed the Open Space and Environmental overlap and in accordance with the new Ordinance being passed tonight, announced that the Open Space Committee is being eliminated. She intends to merge some members into the Environmental Committee. She said Environmental and Recreation Commission will continue discussion and plans for the Ness Property. Councilwoman Alberto said she thanked the members of the Open Space Committee for their volunteerism.

Environmental – Councilwoman Alberto said she attended the meeting on April 23<sup>rd</sup>. She said they discussed Open Space, the Green Fair and a report on trees. She asked CFO Bill Hance to give further information on the Green Fair event. Mr. Hance said it was very successful and the shred and electronic trucks were filled as were two public works dump trucks with styro-foam. He also said the Public Works employees were extremely helpful and wished to thank them.

Recreation – Councilman Mobus reported the Summer Camp enrollment is going well, with 48 Watchung children registered and an average of 23 per week. The enrollment is ahead of last year. As of May 1<sup>st</sup> registration has been opened to other municipalities. Councilman Mobus said the Community Picnic is scheduled for May 19<sup>th</sup>, 12-3 PM with a rain date of May 20<sup>th</sup>. He said there is a Yankee Game/bus trip scheduled for August 12<sup>th</sup>, the cost will be \$75 each.

Historical – Councilman Mobus reported the Committee met and discussed contracting for work on the Mural utilizing the Somerset County Grant money received (\$4,000) toward this phase of the project which will cost approximately \$8000. The Committee will again be participating in the Cultural Heritage's "Weekend Journey Through the Past" program and the Texier House Museum will be open on those days, October 13 and 14. This year's Memorial Day Service will be held on May 28<sup>th</sup> and the honoree this year will be Anthony Addario.

Board of Health – Councilman Black reported the next meeting is scheduled for May 16<sup>th</sup>, 7 PM.

5. Fire – Councilman Black had no report.
6. Laws/Ordinances – Councilman Black had no report.

**REPORTS – OTHER:**

7. Engineer – Mr. Atkins reported Bob Burns and Tom Herits will be looking at the roads and will submit their recommendations to the Public Works Committee within the next 10 days.
8. Police Chief – No report was submitted.
9. Fire Department – No report was submitted.
10. Rescue Squad – No report was submitted.
11. Emergency Management – Mr. Atkins reported he, Mayor Pote, and Gary Greves will be attending a two-hour training session at the County (ICS400) and mass evacuation.
12. Attorney – Mr. Cruz had no report and said there is no Executive Session this evening.
13. Clerk – Ms. DeRocco had no report.
14. Administrator – Mr. Atkins had no report except to wish all a Happy Mother’s Day.

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**PUBLIC PORTION / AGENDA ITEMS ONLY**

Margaret Ellis, Valley Road, questioned the Library Advisory Board Ordinance which states they cannot spend money if it is not in the budget and asked to please reconsider passing this ordinance tonight. She asked about the fine monies collected and Council President Gibbs said this is technically Borough money. Mr. Cruz said the Library Board was exceeding its authority, and the amount collected and expenditures must now be coordinated with CFO Bill Hance. Mr. Atkins said the Board should continue to do as they have been since the meeting in January with him and Mr. Hance.

Dorothy Addario, Rock Avenue, questioned the Historical Commission Ordinance which does not have the provision for alternate members and also asked if they could have a financial manager. Mr. Cruz asked Ms. Addario to send him an email to consider the changes as an amendment and he will speak with Mr. Hance about treasurer.

Doris Fine, Johnston Drive, questioned the sewer tax increase for the Johnston Drive area of the Borough. CFO Bill Hance explained this is for the entire Borough and the cost per household is \$445.00.

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**UNFINISHED BUSINESS**

Public Hearing of Ordinance OR:18/03 entitled **“AN ORDINANCE OF THE BOROUGH OF WATCHUNG AMENDING AND SUPPLEMENTING ARTICLE V TITLED “BOARD AND COMMITTEES, AND COMMISSIONS” BY REPEALING SECTION 2-71 TITLED “OPEN SPACE ADVISORY COMMITTEE.”** was held.

Councilman Black moved a public hearing be held with a second by Councilman Mobus and upon roll call the vote was as follows: Gibbs, Black, Nehls, Mobus, Sopko, Alberto, “aye”.

With no one from the public wishing to be heard Councilman Black closed the public hearing and moved the following resolution:

R1: Adoption of Ordinance 18/03 – Revise Code/Open Space Advisory Committee

Councilman Mobus seconded the motion and upon roll call the vote was as follows: Gibbs, Black, Nehls, Mobus, Sopko, Alberto, “aye”.

Public Hearing of Ordinance OR:18/04 entitled **AN ORDINANCE OF THE BOROUGH OF WATCHUNG AMENDING AND SUPPLEMENTING SECTION 2-38, TITLED “BOARD OF HEALTH,” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF WATCHUNG, BY AMENDING SUBSECTIONS 2-38.3 TITLED “OFFICERS AND EMPLOYEES”, 2-38.4 TITLED “APPOINTMENT OF ALTERNATE MEMBERS”, AND BY ADDING SECTIONS 2-38.6 TITLED “MEETINGS AND MINUTES”, AND 2-38.7 TITLED “EXPENDITURES SUBJECT TO BUDGETARY APPROVAL.”** was held.

Councilman Black moved a public hearing be held with a second by Councilman Mobus and upon roll call the vote was as follows: Gibbs, Black, Nehls, Mobus, Sopko, Alberto, “aye”.

With no one from the public wishing to be heard Councilman Black closed the public hearing and moved the following resolution:

R2: Adoption of Ordinance OR:18/04 entitled – Revise Code / Board of Health

Councilman Mobus seconded the motion and upon roll call the vote was as follows: Gibbs, Black, Nehls, Mobus, Sopko, Alberto, “aye”.

Public Hearing of Ordinance OR:18/05 entitled **AN ORDINANCE OF THE BOROUGH OF WATCHUNG AMENDING AND SUPPLEMENTING SECTION 2-43, TITLED “HISTORICAL COMMITTEE”, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF WATCHUNG, BY AMENDING SUBSECTION 2-43.3 TITLED “ORGANIZATION,” BY AMENDING SUBSECTION 2-43.4 TITLED “POWERS AND DUTIES GENERALLY,” AND BY ADDING SUBSECTION 2-43.6 TITLED “MEETINGS AND MINUTES.”** was held.

Councilman Black moved a public hearing be held with a second by Councilman Mobus and upon roll call the vote was as follows: Gibbs, Black, Nehls, Mobus, Sopko, Alberto, “aye”.

With no one from the public wishing to be heard Councilman Black closed the public hearing and moved the following resolution:

R3: Adoption of Ordinance OR:18/05 entitled – Revise Code / Historical Committee

Councilman Mobus seconded the motion and upon roll call the vote was as follows: Gibbs, Black, Nehls, Mobus, Sopko, Alberto, “aye”.

Public Hearing of Ordinance OR:18/06 entitled **AN ORDINANCE OF THE BOROUGH OF WATCHUNG AMENDING AND SUPPLEMENTING SECTION 2-44, TITLED “WILDLIFE MANAGEMENT ADVISORY COMMITTEE”, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF WATCHUNG, BY AMENDING SUBSECTION 2-44.3 TITLED “ADMINISTRATION OF WILDLIFE MANAGEMENT,” BY AMENDING SUBSECTION 2-44.5 TITLED “ANNUAL REPORT,” BY ADDING SUBSECTION 2-44.7 TITLED “MEETINGS AND MINUTES,” AND BY ADDING SUBSECTION 2-44.8 TITLED “EXPENDITURES SUBJECT TO BUDGETARY APPROVAL.”** was held.

Councilman Black moved a public hearing be held with a second by Councilman Mobus and upon roll call the vote was as follows: Gibbs, Black, Nehls, Mobus, Sopko, Alberto, “aye”.

With no one from the public wishing to be heard Councilman Black closed the public hearing and moved the following resolution:

R4: Adoption of Ordinance OR:18/06 entitled – Revise Code / Wildlife Management  
Advisory Committee

Councilman Mobus seconded the motion and upon roll call the vote was as follows: Gibbs, Black, Nehls, Mobus, Sopko, Alberto, “aye”.

Public Hearing of Ordinance OR:18/07 entitled **AN ORDINANCE OF THE BOROUGH OF WATCHUNG AMENDING AND SUPPLEMENTING SECTION 2-42, TITLED “LIBRARY ADVISORY COMMITTEE”, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF WATCHUNG, BY AMENDING SUBSECTION 2-42.2 TITLED “ESTABLISHMENT; MEMBERS; TERMS,” BY REPEALING AND REPLACING SUBSECTION 2-42.3 TITLED “ORGANIZATION; OFFICERS; MEETINGS; NOTICE; MINUTES” WITH SUBSECTION 2-42.3 TITLED “ORGANIZATION; OFFICERS,” BY ADDING SUBSECTION 2-42.7 TITLED “MEETINGS AND MINUTES,” AND BY ADDING SUBSECTION 2-42.8 TITLED “EXPENDITURES SUBJECT TO BUDGETARY APPROVAL.”** was held.

Councilman Black moved a public hearing be held with a second by Councilman Mobus and upon roll call the vote was as follows: Gibbs, Black, Nehls, Mobus, Sopko, Alberto, “aye”.

With no one from the public wishing to be heard Councilman Black closed the public hearing and moved the following resolution:

R5: Adoption of Ordinance OR:18/07 entitled – Revise Code / Library Advisory Committee

Councilman Mobus seconded the motion and upon roll call the vote was as follows: Gibbs, Black, Nehls, Mobus, Sopko, Alberto, “aye”.

Public Hearing of Ordinance OR:18/08 entitled **AN ORDINANCE OF THE BOROUGH OF WATCHUNG AMENDING AND SUPPLEMENTING SECTION 2-70, TITLED “MUNICIPAL OPEN SPACE, RECREATION AND FARMLAND, AND HISTORIC TRUST FUND”, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF WATCHUNG, BY ADDING SUBSECTION 2-70.6 TITLED “OPEN SPACE POLICY.”** was held.

Councilman Black moved a public hearing be held with a second by Councilman Mobus and upon roll call the vote was as follows: Gibbs, Black, Nehls, Mobus, Sopko, Alberto, “aye”.

With no one from the public wishing to be heard Councilman Black closed the public hearing and moved the following resolution:

R6: Adoption of Ordinance 18/08 entitled – Revise Code/ Municipal Open Space, Recreation and Farmland, and Historic Trust fund.

Councilman Mobus seconded the motion and upon roll call the vote was as follows: Gibbs, Black, Nehls, Mobus, Sopko, Alberto, “aye”.

Public Hearing of Ordinance OR:18/09 entitled **AN ORDINANCE OF THE BOROUGH OF WATCHUNG AMENDING AND SUPPLEMENTING SECTION 2-39, TITLED “ENVIRONMENTAL COMMISSION”, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF WATCHUNG, BY REPEALING AND REPLACING SUBSECTION 2-39.2 TITLED “MEMBERSHIP; TERMS OF OFFICE, VACANCIES; COMPENSATION” WITH SUBSECTION 2-39.2 TITLED “MEMBERSHIP, TERMS OF OFFICE; VACANCIES; COMPENSATION”, BY REPEALING AND REPLACING SUBSECTION 2-39.3 TITLED “POWERS AND DUTIES GENERALLY” AND REPLACING WITH SUBSECTION 2-39.3 TITLED “POWERS AND DUTIES,” BY REPEALING AND REPLACING SUBSECTION 2-39.5 TITLED “RECORDS AND REPORTS” WITH SUBSECTION 2-39.5 TITLED “MEETINGS AND MINUTES,” AND BY ADDING SUBSECTION 2-39.7 TITLED “SPECIAL REQUIREMENTS; CONFLICT OF INTEREST.”** was held.

Councilman Black moved a public hearing be held with a second by Councilman Mobus and upon roll call the vote was as follows: Gibbs, Black, Nehls, Mobus, Sopko, Alberto, “aye.”

With no one from the public wishing to be heard Councilman Black closed the public hearing and moved the following resolution:

R7: Adoption of Ordinance 18/09 entitled – Revise Code/Environmental Commission

Councilman Mobus seconded the motion and upon roll call the vote was as follows: Gibbs, Black, Nehls, Mobus, Sopko, Alberto, “aye.”

Public Hearing of Ordinance OR:18/10 entitled **AN ORDINANCE OF THE BOROUGH OF WATCHUNG AMENDING AND SUPPLEMENTING SECTION 2-40, TITLED “RECREATION COMMISSION”, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF WATCHUNG, BY AMENDING SUBSECTION 2-40.2 TITLED “TERMS OF OFFICE”, BY AMENDING SUBSECTION 2-40.3 TITLED “DUTIES,” BY REPEALING AND REPLACING SUBSECTION 2-40.5 TITLED “EXPENDITURES AND REPORTS” WITH SUBSECTION 2-40.5 TITLED “EXPENDITURES” AND ADDING SECTION 2-40.6 TITLED “MEETINGS AND MINUTES.”** was held.

Councilman Black moved a public hearing be held with a second by Councilman Mobus and upon roll call the vote was as follows: Gibbs, Black, Nehls, Mobus, Sopko, Alberto, “aye.”

With no one from the public wishing to be heard Councilman Black closed the public hearing and moved the following resolution:

R8: Adoption of Ordinance 18/10 entitled – Revise Code/ Recreation Commission

Councilman Mobus seconded the motion and upon roll call the vote was as follows: Gibbs, Black, Nehls, Mobus, Sopko, Alberto, “aye.”

Public Hearing of Ordinance OR:18/11 entitled **AN ORDINANCE OF THE BOROUGH OF WATCHUNG AMENDING AND SUPPLEMENTING SECTION 2-41, TITLED “TRAFFIC AND BEAUTIFICATION COMMISSION”, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF WATCHUNG, BY AMENDING SUBSECTION 2-41.1 TITLED “ESTABLISHMENT; MEMBERS; APPOINTMENTS,” BY AMENDING SUBSECTION 2-41.2 TITLED “TERMS OF OFFICE,” BY REPEALING AND REPLACING SUBSECTION 2-41.4 TITLED “EXPENDITURES, RECORDS AND REPORTS” WITH SUBSECTION 2-41.4 TITLED “EXPENDITURES” AND ADDING SECTION 2-41.5 TITLED “MEETINGS AND MINUTES.”** was held.

Councilman Black moved a public hearing be held with a second by Councilman Mobus and upon roll call the vote was as follows: Gibbs, Black, Nehls, Mobus, Sopko, Alberto, “aye”.

With no one from the public wishing to be heard Councilman Black closed the public hearing and moved the following resolution:

R9: Adoption of Ordinance 18/11 entitled – Traffic and Beautification Commission

Councilman Mobus seconded the motion and upon roll call the vote was as follows: Gibbs, Black, Nehls, Mobus, Sopko, Alberto, “aye.”

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**NEW BUSINESS**

**CONSENT AGENDA:** The Consent Agenda Items listed below were unanimously accepted, following a motion by Council President Gibbs and a second by Councilman Nehls and upon roll call the vote was as follows: Gibbs, Black, Nehls, Mobus, Sopko, Alberto, “aye.”

Approval of the following Council minutes:

April 19, 2018 – Special Meeting and Regular Meeting

Acknowledging Receipt of the following Borough Reports:

Borough of Watchung Planning Board Minutes – January 16, 2018  
February 20, 2018

Building Department Report – April, 2018

Acknowledging Receipt of the following Correspondence:

#13 - Township of Bridgewater 4/19/18 Notice of Public Hearing on an Ordinance to Amend Chapter 126 Entitled “Land Use” and to Create a new Chapter 196 to Consolidate and Amend the Township’s Requirements Related to Certain Privacy Fences c: M & C, TEA, Pl. Bd

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**CONSENT AGENDA RESOLUTIONS:** The resolutions listed below were submitted to the Governing Body for review and will be adopted by one motion.

Council President Gibbs moved the following resolutions with a second by Councilman Nehls and upon roll call the vote was as follows: Gibbs, Black, Nehls, Mobus, Sopko, Alberto, “aye”.

R10:05/3/18 Purchases Over \$2,000 - J & M Air, Inc. (FD-Stainless Steel Exhaust Hood)

R11: Establish 2018 Sewer Fees

R12: Authorize Person to Person Transfer of Liquor License –Colorado Café Inc.  
#1821-33-005-010

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**NON-CONSENT AGENDA ITEMS:** Items listed below will be individually addressed and acted upon accordingly. Council reserves the right to refer an item to Committee for further review and discussion.

None

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**PUBLIC PORTION - GENERAL DISCUSSION**

Margaret Ellis, Valley Road, presented and read a letter to the Mayor and Council from the Library Advisory Board.



Martin Carroll, Valley Road, said he ran a chess club for children at the Library and many memories and friendships were formed. He said the Borough will lose the “small town” appeal without a library.

Virginia Hartman, Ellisen Road, mentioned an article in the April 28<sup>th</sup> Echoes Sentinel. She asked Councilman Nehls why is the Borough not applying for the state grant money? Councilman Nehls responded that he stands by his statement. Ms. Hartman then asked the same question of Council President Gibbs and he stated everyone knows his opinion and he also stands by his statement.

Doris Fine, Johnston Drive, said she is concerned for the environment as a whole in Watchung. She does not understand how builders are allowed to clear a lot of all trees in order to build a home and they are not required to replace them. She asked why the Borough has a tree ordinance and does not enforce it.

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**ADJOURNMENT**

There being no further business to come before the Council the meeting was adjourned at 11:12 P.M. to the Call of the Chair and to the next scheduled Council meeting Thursday, May17, 2018 at 7:30 P.M.

Respectfully Submitted,

MaryAnn Hance  
Deputy Clerk